

Chadds Ford Township Board of Supervisors Meeting
June 4, 2003
M I N U T E S

OFFICIALS PRESENT: James E. Shipley, Chairman
Deborah Love D'Elia, Vice-Chairman
George M. Thorpe, Member
Hugh A. Donaghue, Esquire, Township
Solicitor
James C. Kelly, Township Engineer
Richard J. Jensen, Building Inspector, CEO
Maryann D. Furlong, Secretary/Treasurer

CALL TO ORDER

Mr. Shipley called the meeting to order at 7:30 PM. Those present gave the Pledge of Allegiance.

PUBLIC COMMENT

Theodore Mennicke, 100 Ridings Drive, a member of Chadds Ford Residents Committee for Action, addressed the Board with questions regarding the property known as Camp Sunset Hill. The questions are attached hereto for review.

Todd Cleary, 3 Raven Drive, stated that his group would like to help the community in regard to the preservation of the campsite. The goal of his group is to determine the facts in order to help the community.

Resident Karen Johnson addressed the question of whether or not Toll Brothers plans to give some sixty acres to the community. Mr. Shipley asked that Mrs. Johnson put her comments and preferences in writing so that the Board can address same.

Mr. Shipley acknowledged the benefit of community input, but stated that since formal subdivision application has still not been made by Toll Brothers, it is premature to start delving into such questions to any substantial degree. The Supervisors' plan is to give the community adequate opportunity to offer comments and ask questions prior to development. The Township Engineer is working on an estimate of how many units can be built on the site under provisions of the Township's current PRD ordinance.

APPROVAL OF MINUTES

Mr. Shipley asked that a motion be made to approve the minutes of the Board of Supervisors meeting of May 7, 2003.

MOTION TO APPROVE MINUTES

Upon motion and second (D'Elia, Thorpe), the Board of Supervisors voted to approve the minutes of May 7, 2003, draft of 6/4/03, with a correction on page 4, under Township Properties Committee Report, changing Mr. Thorpe's name to Mrs. Love D'Elia as the reporter of the Heritage Commission Award.

REPORTS

STATE POLICE REPORT

A report was not available.

SUPERVISOR'S REPORTS

Mr. Thorpe reported that both he and Mrs. Love D'Elia had been present at the ribbon cutting ceremony on Thursday, May 22nd for the official opening of the Loop Road, now known as Brandywine Drive.

A meeting of the Township Properties Committee had been held May 16, 2003, with both Mr. Thorpe and Mr. Shipley in attendance.

On May 14th, Mrs. Love D'Elia had met with representatives of Elko & Associates, the Township Solicitor and Township Sewer Authority officials for the purpose of reviewing financial practices between the Sewer Authority and the Township.

TREASURER'S REPORT

Mrs. Furlong reported the following balances for May, 2003:

Total all funds:	\$ 781,182.96
Total all deposits to General Fund:	\$ 101,038.47
Total disbursements General Fund:	\$ 48,883.46
Total disbursement Escrow Fund:	\$ 5,400.00

MOTION TO APPROVE TREASURER'S REPORT

Upon motion and second (Thorpe, D'Elia), the Board unanimously

approved the Treasurer's Report for May, 2003, and the payment of bills as listed on the statement of June 3, 2003.

ROADMASTER REPORT

Mr. Prabel presented the Roadmaster's report for the month of May, 2003, a copy of which is attached hereto.

Mr. Prabel had just been in contact with PennDOT and SEPTA officials regarding a proposal to store removed sections of the Route 100 SEPTA bridge on the Township's property at Ring Road. Mr. Prabel had advised PennDOT that the Township did not find that proposal to be an acceptable solution and will withdraw its support for removal of the bridge if another solution is not found. The Supervisors concurred with this action. Mr. Prabel will keep the Supervisors informed of the situation. Lois Saunders stated that it was her understanding that SEPTA was anxious to remove the bridge before the end of June due to budgetary considerations.

Mr. Kliman suggested that Mr. Prabel consult Signal Service regarding the payback period for the LED lighting. Mr. Prabel responded that he had done so and that it takes approximately a two to two and one-half years to make the LED signals cost effective.

PLANNING COMMISSION

Mr. Taylor presented Planning Commission minutes for the meeting of Wednesday, May 28, 2003, a copy of which is attached.

ZONING HEARING BOARD

Mr. Wandersee reported that the Zoning Hearing Board had no applicants and no hearings during the month of May, thus no report.

An application for variance had recently been received for the expansion of the Best of Italy Restaurant. Mr. Jensen stated that there is a non-conforming use issue and also a parking issue that need to be addressed. Only 75 spaces are available, with 109 spaces necessary under the ordinance. After discussion, Mr. Shipley stated that it was the consensus of the Board that it would not be necessary to have Mr. Donaghue attend the hearing to oppose the application, but that two Supervisors were not in favor of the application based on the parking space issues.

HARB

Mr. Jensen stated that members of HARB met on Monday, June 2, 2003, to discuss the proposed Bed and Breakfast ordinance and make revisions thereto. Those revisions had been discussed during the Public Hearing held this evening at 7:00 PM, prior to the regular Board of Supervisor's meeting.

HARB members had heard a proposal from Frank Reagoso regarding an option to purchase a property within the Dilworthtown Historic District. Mrs. Wandersee had drafted a letter to the Supervisors regarding same.

SEWER AUTHORITY

Mr. Murray presented the Sewer Authority's report for May, 2003, a copy of which is attached hereto.

BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER

Mr. Jensen reported on the number of permits that had been issued during the month of May, 2003. A written report reflecting same has been submitted.

TOWNSHIP ENGINEER

Mr. Kelly presented the Engineer's report dated June 4, 2003, a copy of which is attached.

Ms. Love D'Elia asked how the estimate for the 2003 Road Program compared to the amount designated in the 2003 Township budget. Mr. Prabel replied that \$100,000 had been allocated for the road program in the budget, \$60,000 of which is Liquid Fuel funds from PennDOT.

MOTION TO APPROVE ROAD PROGRAM FOR PURPOSES OF BID

Upon motion and second (Thorpe, Shipley), the Board of Supervisors approved the 2003 Road Program as presented for solicitation of bid purposes and authorized James C. Kelly, Township Engineer, to proceed with the bidding process.

SOLICITOR'S REPORT

Mr. Donaghue suggested that he address all issues under the Old and New Business portions of the meeting.

OPEN SPACE COMMITTEE

Debbie Reardon, Open Space chairman, presented the report for May, 2003, a copy of is attached.

TOWNSHIP PROPERTIES COMMITTEE

Mr. Thorpe presented the report for the Township Properties Committee dated May 16, 2003, which was also submitted in writing and is attached.

Mr. Thorpe discussed the current status of the Turner's Mill property and the fact that John Milner, Architect, had agreed to undertake the project. Mr. Wandersee stated that there has never been a better time to obtain financing through bond issues because of the low interest rates. Mrs. Reardon asked when specifics might be available. Mr. Shipley responded that a model, a design, then an architectural cost estimate all will hopefully be available prior to the fall election. The issue will be placed on the ballot in the form of a referendum.

EMERGENCY MANAGEMENT COORDINATOR

A report was not available.

FIRE MARSHALL

Mr. Shipley reported that work is ongoing.

FINANCIAL ADVISORY BOARD

Ms. Love D'Elia stated that the Financial Advisory Board had not met during May, but bids from perspective auditors had been received. A meeting of the Board will be held during June for the purpose of selecting a new accounting firm to perform the 2004 Township audit. The recommendation will then be submitted for consideration by the Board of Supervisors at the July meeting.

OLD BUSINESS

CODIFICATION CONTRACT

Mr. Donaghue reviewed a contract that had been presented by General Code Publishing Corporation to codify Township ordinances. Several changes had been negotiated and the contract changed accordingly. There was discussion among Board members regarding different aspects of the contract and the availability of supporting technology.

MOTION TO APPROVE CODIFICATION CONTRACT WITH GENERAL CODE

Upon motion and second (Thorpe, D'Elia), the Board of Supervisors unanimously voted to accept the proposal of General Code dated May 22, 2003, at a cost of \$9,450.

BURNING ORDINANCE PROPOSAL

Mr. Shipley reported that a proposed Burning Ordinance had been submitted by the Planning Commission and he thought it best to review that proposal and recommendations from the Supervisors prior to advertising and adoption.

Mr. Shipley, Mrs. Love D'Elia and Mr. Thorpe reviewed their comments regarding the proposed ordinance. Mr. Shipley would revise a number of points and would permit the burning of vegetation on properties, to include leaves and grass up to a maximum of twelve times per year. Mrs. Love D'Elia reviewed her suggestions, including possibly designating certain days per month as "burning" days, the need to be more specific regarding equipment to control the fire and the possibility of making reference to drought restrictions enacted by Delaware County. Mr. Thorpe voiced his thoughts and stated that enforcement is likely to be very difficult. It was agreed that prohibiting burning on legal holidays was reasonable.

Mr. Shipley stated that a burning ordinance would permit Mr. Jensen to address problem burners within the Township who create repetitive nuisances to neighbors.

Mr. Shipley suggested that he be allowed to continue to work on the draft and report back next month.

NEW BUSINESS

CARRABBA'S ITALIAN RESTAURANT

Joseph A. D'Amico, Esquire, representing the Henderson Group and Carrabba's Italian Restaurant, presented information regarding the land development application that had been filed with the Township. The proposal is to build a restaurant on an existing site in the parking lot within the Painters Crossing Shopping Center. Mr. Shipley asked if all outstanding issues had been addressed to the satisfaction of the Solicitor and Engineer. Pursuant to a question by Mr. Kelly, the plan will be

corrected regarding a footage provision. Mr. Donaghue had no questions.

Mr. Thorpe commented on the current problem with traffic flow and the possible problem with parking if the restaurant is built. Mr. Jensen suggested that the recent addition of approximately 180 parking spots by the Henderson Group might alleviate the problem.

Mr. Shipley commented that signage might be required to address ingress and egress problems. Mark Eisenhardt of the Henderson Group stated that the Planning Commission had suggested installation of signs on Brandywine Drive directing traffic to rear entrances of the AMC Theater. While this is an alternative, PennDOT requirements would have to be met to do so.

Mr. Shipley stated that the Henderson Group's offer to continue to work with the Township on traffic flow and signage issues be made part of the Land Development agreement for Carrabba's restaurant.

MOTION TO APPROVE RESOLUTION 2003-13 – CARRABBA's ITALIAN RESTAURANT

Upon motion and second (D'Elia, Thorpe), the Board unanimously approved Resolution 2003-13, approving the preliminary/final land development application of Carrabba's Italian Restaurant, with the addition of condition number 6, regarding

provisions for traffic patterns and signage in the Land Development agreement as proposed by the Township Engineer. Mr. D'Amico stated that the applicant agreed to the conditions set forth in Resolution 2003-13.

BED AND BREAKFAST ORDINANCE

There was a brief discussion of the twenty-five percent ownership provision of the proposed ordinance with Mr. Thorpe and Dr. Sabanyagam addressing the issue.

Mr. Shipley reviewed the most recent changes to the proposed ordinance, regarding the decrease in the acreage requirement from five to four acres, reference to the Chadds Ford Township Historic Survey, and the addition of paragraph (i) referencing HARB.

MOTION TO APPROVE ORDINANCE 100 – BED and BREAKFAST ORDINANCE

Upon motion and second (Shipley, Thorpe), the Board of Supervisors unanimously approved Ordinance 100, regulating Bed and Breakfast establishments in Chadds Ford Township.

ROUTE ONE FEASIBILITY STUDY

Those present discussed proposed Resolution 2003-14, regarding results of the Route 1 Feasibility Study.

MOTION TO APPROVE ALTERNATE TWO – ROUTE 1 FEASIBILITY STUDY

Upon motion and second (Shiple, D'Elia), the Board of Supervisors unanimously adopted Resolution 2003-14, adopting Alternate Plan Number Two as the option to be pursued by Chadds Ford Township and pursuant thereto, the Board of Supervisors will review and recommend changes to the zoning code and to study the sewer options available to implement the planned development.

APPLICATION OF DEBORAH FINLEY – ESTABLISHMENT OF A MASSAGE SCHOOL

Mrs. Deborah Finley reviewed the application she had made to the Township to open a school for the purpose of teaching therapeutic massage techniques in Chadds Ford Commons, a professional development. Mr. Donaghue asked Mrs. Finley several questions regarding her answers on the application.

MOTION TO APPROVE APPLICATION OF DEBORAH A. FINLEY TO OPEN A MASSAGE SCHOOL

Upon motion and second (Shiple, Thorpe), the Board of Supervisors unanimously approved the application of Deborah A. Finley for the purpose of establishing a massage school at the applied for location, pending approval from the Pennsylvania Department of Education for school purposes, and prohibiting either public and/or retail massages on the premises.

RELEASE OF ESCROW MONIES – VARIOUS DEVELOPMENTS

Mrs. Furlong reported that in response to requests from the following applicants and subject to final determination as to outstanding bills, she was recommending release of escrow funds in the following amounts:

Mantakounis	-	Zoning Hearing	
Board	- \$ 700.00		
Mantakounis	-	Grading Escrow	-

\$ 700.00

Chadds Ford Real Estate

-

Subdivision Escrow

- \$ 4,000.00

MOTION TO APPROVE RELEASE OF ESCROW FUNDS

Upon motion and second (Thorpe, Shipley), the Board of Supervisors unanimously approved the release of escrow funds in the amounts and to the applicants as listed above.

CONDITIONAL USE APPLICATION – FISHER CARPET ONE

An application for conditional use had been submitted by Fisher Carpet One.

Mr. Shipley will not be available on July 2nd for the Board of Supervisor's meeting, but it was decided that the regular meeting will be held. After discussion as to the scheduling of a hearing date, it was determined that the applicant will be offered the date of July 2nd at 7:00 PM, with the understanding that only two Supervisors will be present.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:42 PM.

Respectfully submitted,

MARYANN D. FURLONG,
Township Secretary